

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DOE,

Plaintiff,

v.

META PLATFORMS, INC.,

Defendant.

Case No. [22-cv-04680-WHO](#)

**ORDER GRANTING MOTION TO
CONSOLIDATE AND RESOLVING
OTHER SCHEDULING MATTERS**

Re: Dkt. No. 21

On October 5, 2022, I heard argument regarding plaintiff Doe’s motion to consolidate four related putative class action lawsuits (collectively, the *Doe v. Meta Platforms, Inc.* class actions) pursuant to Rule 42(a) of the Federal Rules of Civil Procedure. The four related putative class actions are depicted in the chart below:

| Name | Case No. |
|---|-------------------|
| <i>John Doe v. Meta Platforms, Inc.</i> | 3:22-cv-03580-WHO |
| <i>Jane Doe v. Meta Platforms, Inc., et al.</i> | 3:22-cv-04293-WHO |
| <i>Doe v. Meta Platforms, Inc.</i> | 3:22-cv-04680-WHO |
| <i>Jane Doe v Meta Platforms, Inc.</i> | 3:22-cv-04963-WHO |

Having considered the motion for consolidation, relevant pleadings and papers filed in the included actions, and additional evidence and oral argument, I find that the *Doe v. Meta Platforms, Inc.* class actions involve a “common question of law or fact.” *See* Fed. R. Civ. P. 42(a)(2); *Investors Research Co. v. U.S. Dist. Court for Cent. Dist. of Cal.*, 877 F.2d 777, 777 (9th Cir. 1989). Here, each action pending before this Court is brought by individuals who allege that their sensitive health information

and other personal identifying information was improperly intercepted by the Meta Pixel while they communicated with their healthcare providers. I note as well that no party has opposed the motion for consolidation. *See* Dkt. Nos. 27, 32, 35.

GOOD CAUSE APPEARING, I GRANT the motion for consolidation. *John Doe v. Meta Platforms, Inc.*, 3:22-cv-03580-WHO, *Jane Doe v. Meta Platforms, Inc., et. al.*, 3:22-cv-04293-WHO, *Doe v. Meta Platforms, Inc.*, 3:22-cv-04680-WHO, and *Jane Doe v. Meta Platforms, Inc.*, 3:22-cv-04963-WHO are thus consolidated for all pretrial and trial proceedings pursuant to Rule 42(a) of the Federal Rules of Civil Procedure. I further ORDER as follows:

1. The docket in Civil Action No. 3:22-cv-03580-WHO shall constitute the Master Docket for this consolidated action. The Clerk shall close the dockets in *John Doe v. Meta Platforms, Inc., et. al.*, 3:22-cv-04293-WHO, *Doe v. Meta Platforms, Inc.*, 3:22-cv-04680-WHO, and *Jane Doe v. Meta Platforms, Inc.*, 3:22-cv-04963-WHO.

2. Every document filed in the consolidated action shall bear the following caption:

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE META PIXEL HEALTHCARE
LITIGATION

Case No. 3:22-cv-03580-WHO

CLASS ACTION

This Document Relates To:

3. When the document being filed pertains to all actions, the phrase “All Actions” shall appear immediately after the phrase “This Document Relates To:.” When a document applies only to some, not all, of the actions, the document shall list the docket number for each individual action to which the document belongs, along with the last name of the plaintiff in said action.

1 4. The parties shall file an Administrative Motion to Consider Whether Cases Should Be
2 Related pursuant to Northern District of California Local Rule 3-12 whenever a related case is filed in,
3 or transferred to, this District. If the Court determines that the case is related, the clerk shall: (a) place
4 a copy of this Order in the file for such action; (b) serve on plaintiffs' counsel in the new case a copy
5 of this Order; (c) direct that this Order be served upon defendant(s) in the new case; and (d) make an
6 appropriate entry in the Master Docket. Any case deemed related shall be consolidated into this action
7 unless a party objects to consolidation within fourteen days of the related case order.

8 5. Defendant Meta Platforms, Inc. ("Meta") shall not be required to respond to the
9 complaint in any action consolidated into this action, other than the consolidated complaint.
10 Defendants Dignity Health Medical Foundation and UCSF Medical Center are directed to meet and
11 confer with plaintiffs regarding how best to address the claims pending against them.

12 6. Plaintiffs shall file a consolidated complaint within thirty days of the entry of an order
13 appointing interim class counsel. The consolidated complaint shall be the operative complaint in the
14 consolidated action and shall supersede all complaints filed in any action consolidated herein.

15 7. Meta shall respond to the consolidated complaint within forty-five days of the filing
16 thereof. If Meta files a motion directed at the consolidated complaint, opposition and reply briefs shall
17 be filed in accordance with the Northern District's Local Rules unless otherwise agreed by the parties
18 and thereafter ordered by me.

19 8. I recognize that cooperation by and among counsel is essential for the orderly and
20 expeditious resolution of this litigation. Accordingly, the mere communication of otherwise privileged
21 information among and between plaintiffs' counsel shall not be deemed a waiver of the attorney-client
22 privilege or the attorney work product doctrine.

23 9. Counsel for all parties are directed to cooperate with one another, wherever possible, to
24 promote the expeditious handling of pre-trial proceedings in the consolidated action.

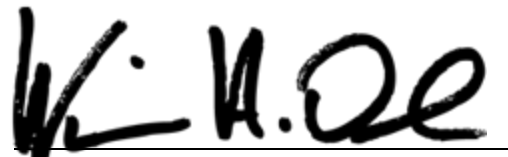
25 10. Plaintiffs, by and through their respective counsel, shall brief the issue of appointment
26 of interim class counsel pursuant to Rule 23(g), with opening briefs due by October 19, 2022; response
27 briefs due by November 2, 2022; and reply briefs due by November 9, 2022. The hearing shall be set
28 for November 21, 2022, at 2 p.m.

1 11. Meta has sought to continue the hearing and obtain more time in which to respond to
2 plaintiffs' request for a preliminary injunction. *See John Doe v. Meta Platforms, Inc.*, 3:22-cv-03580-
3 WHO, Docket No. 64 (Meta's Administrative Motion to Continue the Hearing re Plaintiffs' Motion
4 for Preliminary Injunction and Enlarge Time for Briefing). For the reasons expressed on the record
5 during the October 5, 2022 hearing, I will GRANT Meta's motion IN PART and give Meta one
6 additional week to submit its response to the pending motion. Meta's response to plaintiffs' motion
7 for a preliminary injunction shall be due by October 17, 2022. The other deadlines associated with the
8 preliminary injunction motion will not change.

9 12. All further scheduling issues in the consolidated action shall be addressed in a separate
10 Case Management Order.

11 **IT IS SO ORDERED.**

12 Dated: October 12, 2022

A handwritten signature in black ink, appearing to read 'W. H. Orrick', written over a horizontal line.

William H. Orrick
United States District Judge